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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,396	09/08/2003	Stuart Gilly	G03-0192	9921
27257	7590	12/07/2004	EXAMINER	
THOMAS S. KEATY KEATY PROFESSIONAL LAW CORP. 2140 WORLD TRADE CENTER NO. 2 CANAL STREET NEW ORLEANS, LA 70130			JULES, FRANTZ F	
ART UNIT		PAPER NUMBER		3617
DATE MAILED: 12/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,396	Applicant(s) GILLY ET AL.
Examiner	Art Unit Frantz F. Jules	3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 10-16, 18 and 20 is/are allowed.

6) Claim(s) 1, 3, 6 and 17 is/are rejected.

7) Claim(s) 2, 4, 5 and 7-9 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/08/2003.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
5) Notice of Informal Patent Application (PTO-152)
6) Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 3 of the specification, line 6, the word “rm” should be changed to –rim--.

Appropriate correction is required.

Drawings

2. The drawings are objected to because:

On page 4 of the specification, line 1, reference number “18” has been used to designate a central hub, the drawing shows number 18 to be the spinner.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 6, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (US 6,663,187) in view of Pearsall et al (US 4,775,919).

Claims 1, 3, 6 and 17

Fitzgerald discloses a wheel spinner assembly adapted for mounting on a rim of a vehicle wheel, the assembly comprising a spinner assembly which is mounted to an adapter by means of a bearing of inner and outer races secured to the adapter and the spinner, elongated lug nuts having a threaded free end for receiving bolts for securing the adapter to the automobile wheel. The spinner comprising a plurality of spokes extending from a central hub.

Fitzgerald teaches all the limitations as disclosed above but does not disclose a spinner assembly comprising drove motors for imparting rotational force on the spinner assembly. The general concept of a structure for influencing the motion of a spinner in a wheel assembly is well known in the art as illustrated by Pearsall et al which discloses the teaching of coils and magnet means used to affect the motion of a rotating body (38) in a wheel assembly. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fitzgerald to include the use of motors for imparting rotational force on the spinner of his advantageous wheel spinner assembly as taught by Pearson in order to reduce noise in the wheel assembly.

Allowable Subject Matter

5. Claims 2, 4-5, 7-9 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 10-16, 18 and 20 stand allowable.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Butler is cited to show a related hub cap comprising a rocket like appearance device.

Park and Bjorn et al are cited to show related a wheel cover comprising a clutch plate.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules

Art Unit: 3617

Primary Examiner

Art Unit 3617

FFJ

December 2, 2004

FRANTZ F. JULES
PRIMARY EXAMINER

